

THE
C A S E

OF THE

SOCIETY OF APOTHECARIES



TO prevent the Mischiefs arising from Ignorance, or Temerity in the *Administration* of Medicines, King Henry the VIIIth, by his Charter established the COLLEGE OF PHYSICIANS, *excluding* all Persons, who should not be licensed by them, from the Practice of Physick within *London*, and seven Miles thereof: Which Charter was soon afterwards confirmed by *Parliament*, and the said *Exclusion* from Practice extended all over *England*.

And to prevent the like Mischiefs, in the *Preparation* of Medicines, the said College were by subsequent Acts directed to elect, yearly, *Four* of their Fellows, who, after taking an Oath of Office, were impowered (with the Assistance of the Wardens of the Company of Grocers and Apothecaries) to visit all Apothecaries Houses within *London* only, and to destroy such Drugs and Medicines as they should find defective; which Power of *Visitation* was afterwards, by a Charter of King James the Ist, extended to the Distance of *seven* Miles round *London*.

BUT the Exercise of this last Power being limited to four Persons, the same appeared to Sir Theodore De Mayerne, and Henry Atkins, Physicians to King James the Ist (and who, being the then *most illustrious* Members of the College, may be supposed to declare the Sense of the whole Body) so very insufficient for suppressing the variety of Abuses intended to be remedied, that at *their* Desire, and for the *more effectually* preventing those Abuses, the said King very soon after, by another Charter, formed the Apothecaries of *London* into a distinct Society, with the like Powers of Visitation, and expressly *prohibited* all Persons from exercising the Business of an Apothecary within seven Miles of *London*, unless first examined, approved, and licensed by the said Society.

TRUE it is that the *Validity* of the said Charter being doubtful, and the *Extent* of the Powers thereby granted uncertain, and there being no Provision for rectifying any *Abuse* of those Powers, the said Society have ever been very cautious in the Exercise thereof, and of late Years especially, have kept up the *Form* only of a *Visitation*: Whence it has happened, that several ignorant, and illiterate Persons have been encouraged to enter upon the Business of an Apothecary, whilst others, of perhaps a more regular *Education*, and better *Knowledge*, have in order to engross the Trade, by under-selling the fair Apothecary, ventured to compound their Medicines of damaged, stale, and counterfeit Ingredients; so that upon the whole, great Quantities of pernicious Medicines have been sold in the Neighbourhood of *London*, and transmitted into all Parts of the Kingdom.

THESE Practices being notorious, the College in 1722, procured the Act of *Parliament* (now proposed to be revived) to establish their Power of Visitation agreeable to their Charter. But a Clause having, upon their Attempt to obtain a Bill for reviving the said Act in 1729, been added by a Committee of the House of Commons [for granting an Appeal from the Judgment of the Censors to six Physicians and six Apothecaries to be determined upon Oath, and in Case of Equality of Voices, by the Opinion of the President or Vice-President of the College] the said Bill was drop'd, and the College have not since thought proper to apply for any Bill of that kind, notwithstanding the Continuance and daily Increase of the bad Practices above-mentioned.

AT length several Apothecaries, [whose Profession affords them but too frequent Opportunities of observing the Extent and mischievous Effects of those bad Practices,] thought it their Duty, as well in Regard to the *Publick*, as themselves, to represent the same to the LEGISLATURE.

In Consequence of this Application, the House of Commons have been pleased to order in a Bill, to revive, *explain, and amend* the said Act passed in 1722. From which Order the said Petitioners conceive that honourable House was satisfied of the *Insufficiency* of a mere *Revival* of the said Act, and therefore they submit the following *Amendments* or *Alterations*, as what they humbly apprehend will render the said Act *most effectual* on the one Hand, and prevent any *Abuse* of the Powers thereby granted on the other, *Viz.*

- I. THAT the Court of Assistants of the *Apothecaries* shall yearly elect ten sufficiently skillful Persons to be called *Examiners of Apothecaries*, and forty-eight (or any other competent Number) to be called *Examiners of Medicines*, who shall all be *sworn* to the due Execution of their respective Offices.
- II. THAT for the Future no Person (except the present Members of the Society, who have been already examined) shall, within seven Miles of *London*, exercise the Art of an *Apothecary*, unless first examined, and approved by three, or more of the said *Examiners of Apothecaries*, and licensed to exercise the same by Letters Testimonial, under the Seal of the said *Society*.
- III. THAT any Person rejected by the said *Examiners* may have an Appeal to the President, and Censors of the *College*, and if approved by them, shall be licenced by the said *Society*.
- IV. THAT there shall be paid to the said *Society* for every Examination and Licence and no more; and that every such licensed Person shall, during his Continuance in the Business, pay (as the Freemen of the said *Society* do) the yearly Sum of six Shillings, to be *appropriated* to the supporting the *Botanical Garden* at *Chelsea*, to which he, and his Apprentices shall have Liberty to resort, for their Instruction in *Botany*.
- V. THAT (in lieu of the said Censors) the said *Examiners of Medicines*, or any four of them, shall have Power, whensoever they shall think fit (and be obliged, as often as the Court of Assistants shall think proper) to go upon the Visitation, and thereupon to enter any House &c. of any Person within the Limits aforesaid, who shall prepare, or keep for Sale, any *compound Medicines*, and to examine the same, and *destroy* such as they shall adjudge bad.
- VI. THAT any Person shall have Liberty to appeal from the Judgment of the said *Examiners*, to the said *President*, or *Vice-President*, and *Censors*, whose Determination shall be *final*, the Medicine complained of to be, in the mean Time, conveyed to the *College*.
- VII. THAT in all Cases of Appeal the said *Examiners*, as well as the Parties *appellant*, may produce Witnesses to be examined upon *Oath*, either as to their Knowledge, or Opinion of the Preparation in question.
- VIII. THAT every Person convicted by the said *Examiners* (unless their Judgment is reversed within) of selling or keeping for Sale, any *adulterated* or *pernicious* Medicine shall forfeit the Sum of
- IX. THAT Persons obstructing the said *Examiners* in the Execution of their Office shall forfeit the Sum of
- X. THAT all Penalties shall go, one half to any Person who will sue for the same, and the other half to the *Poor* of the Parish where the Offender shall reside.

THESE *Amendments*, the Petitioners humbly conceive, will appear to be proper, and necessary, for the following Reasons, *viz.*

THAT the four *Censors* (who must be presumed to be, as the Law requires, the *best learned, wisest, and most discreet* of their Profession, and consequently most employed,) cannot spare sufficient *Leisure* to attend the Visitation, so diligently, and *frequently* as they ought, without great Loss to themselves, and to the *Publick*, who may want their Assistance in another Way.

THAT their Number, even if they were to give their *utmost* Attention, and dedicate their *whole* Time to this Duty, would not be sufficient to visit *all* *Apothecaries* Shops within *London*, and seven Miles thereof, which upon a fair Computation, will appear to be upwards of a Thousand.

THAT the original Jurisdiction, and the Determination on the Appeal ought not to be in the *same* Body, the Members of which may be supposed tender of each other's Reputation, and the general Character of their Community.

THAT neither the *Censors* in the *first*-Instance, nor the *President*, and *Fellows* upon the *Appeal*, are by the said Act put under the Restriction of any particular *Oath*.

THAT by the said Act no Provision is made for preventing Persons from entering upon the Business of *Pharmacy* who have not been properly instructed therein, and who

who consequently require a much stricter and more frequent Visitation than any reasonable Number of Visitors can possibly attend.

THAT the only Punishment provided by the said Act for keeping any adulterated, or pernicious Medicine for Sale, is the *destroying* it, which in most Instances (as Medicines are principally adulterated for the sake of saving the *expensive* Ingredients) is a very *trifling* Punishment, by no Means adequate to the *Offence*.

THESE *Alterations* in the Act (it is humbly conceived) will answer all the salutary Intentions of the honourable *House of Commons*, and yet preserve to the Society of *Apothecaries*, the Privileges granted to them by their *Charter*; *Privileges!* so far from being unreasonable in their own Nature, that *Parliament* has thought proper to grant, or confirm the like to the *College of Physicians*, and Company of *Surgeons*; and that, without any of those *Guards* against the *Abuse* of Power, which the Petitioners propose, and desire may be provided in *their* Case; nor can the said *College*, and *Company* but approve, in the Society of *Apothecaries*, a Constitution which, in their own respective Bodies, they have, by long Experience, found to be highly beneficial to the *Publick*.

WITH respect to the *College*, it is true the Power of *Visitation*, which has hitherto been exercised by their *Censors*, and the Wardens of the Society of *Apothecaries* in *Conjunction*, is by these *Alterations* proposed to be wholly vested in sworn Examiners of the said *Society*. But then in lieu thereof, the said *College* are intended to be vested with a *superior* Jurisdiction, and Controul, which the Petitioners humbly conceive is more suitable, not only to the Convenience, but Dignity of that learned *Body*; and from the above-mentioned Testimony of *Sir Theodore de Mayerne* and *Dr. Atkins*, as well as from the Nature of the Thing itself, it appears that the *Apothecaries* are very properly qualified for the *Visitation* hereby proposed to be entrusted with them.

As to the Persons who will be immediately affected by the *Examination* intended by these Amendments,—It is submitted whether it can be thought an *Hardship* to oblige those who will engage in a Profession, of so much Consequence to the *Publick*, to give a Test of their Ability and Fitness for it; and as they will become intitled to several of the *Privileges*, without being subject to the many burthenome and expensive *Offices* of the said *Society*, it is but reasonable that they should contribute something towards defraying the *additional* Expences which these new Duties will occasion.

THE Application of the yearly Sum of six Shillings (it is likewise hoped) will be thought so very useful to the *Publick*, that no Objection can be made to so *trifling* a Demand.

THE said *Society* do (at an Expence too great for their present Circumstances) endeavour to maintain a Botanical Garden, which the Munificence of that great Patron of natural and useful Knowledge, *Sir Hans Sloane*, has enabled them to establish: A Matter in several *foreign* Cities, thought worthy of the *Publick* Care. At this Garden, (at present furnished with as great a Number of *Plants* as perhaps any in *Europe*) a Demonstrator is appointed by the *Society*, to instruct their Members, and Pupils in this necessary Branch of *Pharmacy*, and to superintend, at proper Times, *Herborizations* in the Neighbourhood of *London*; of all which Advantages the said *Licentiates* and their Apprentices will be entitled to partake.

UPON the whole, the *Petitioners* humbly hope the *Publick* will, by these Proposals, be satisfied that they have no *unreasonable* Views of enriching the *Society*, of which they are Members, or of procuring any particular Advantage to *themselves*; their sole *Intention*, in offering to take this *Burthen* upon them, being that they may contribute as much as in them lies to the preventing *Frauds* in their Profession. And as a Proof that they have no *oppressive* Views, they decline no *Appeal* to any Jurisdiction the *Legislature* shall think proper, not desiring to be trusted with a Power over *others*, which they would be sorry to see granted to any, over *themselves*: neither do they wish for more than a temporary *Probation* of their Scheme, that so, if it shall be found *hurtful* or ineffectual, it may not be intailed upon *Posterity*.

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